

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AMENDING THE ENVISION SAN JOSE 2040 GENERAL PLAN PURSUANT TO TITLE 18 OF THE SAN JOSE MUNICIPAL CODE TO CHANGE THE BOUNDARY OF THE NORTH 1ST STREET TRANSIT VILLAGE PLAN, ADOPT THE NORTH 1ST STREET LOCAL TRANSIT VILLAGE PLAN, AND AMEND THE LAND USE DESIGNATION OF SPECIFIED PROPERTIES WITHIN THE BOUNDARIES OF THE NORTH 1ST STREET TRANSIT VILLAGE PLAN AREA.

**2023 General Plan Amendment Cycle (Cycle 1)
FILE NO. GP21-016**

WHEREAS, the City Council is authorized by Title 18 of the San Jose Municipal Code and state law to adopt and, from time to time, amend the General Plan governing the physical development of the City of San Jose; and

WHEREAS, on November 1, 2011, the City Council adopted the General Plan entitled, "Envision San Jose 2040 General Plan, San Jose, California" by Resolution No. 76042, which General Plan has been amended from time to time (hereinafter the "General Plan"); and

WHEREAS, on December 15, 2015, the City Council adopted a Supplemental EIR to Envision San José General Plan EIR, Resolution No. 77617, and Addendum thereto.

WHEREAS, in accordance with Title 18 of the San Jose Municipal Code, all general and specific plan amendment proposals are referred to the Planning Commission of the City of San Jose for review and recommendation prior to City Council consideration of the amendments; and

WHEREAS, on February 9, 2022, the Planning Commission held a public hearing to consider the following proposed North 1st Street Local Transit Village Plan, and associated General Plan Amendments, at which hearing interested persons were given the opportunity to appear and present their views with respect to said proposed plans and amendments:

- A. General Plan Amendments changing the boundary of the North 1st Street Local Transit Village Plan and amendment of the land use designations for specified properties within the North 1st Street Transit Village Plan boundary, File No. GP21-016 specified in Exhibit “A” hereto (“General Plan Amendment GP21-016”) (hereinafter collectively referred to as “General Plan Amendments”); and
- B. The North 1st Street Local Transit Village Plan, attached hereto and incorporated herein by reference as Exhibit “B” (“North 1st Street Local Transit Village Plan”); and

WHEREAS, at the conclusion of the public hearing, the Planning Commission transmitted its recommendations to the City Council on the proposed General Plan Amendments; and

WHEREAS, on March 15, 2022, the Council held a duly noticed public hearing; and

WHEREAS, copies of the proposed General Plan Amendments are on file in the office of the Director of Planning, Building and Code Enforcement of the City, with copies submitted to the City Council for its consideration; and

WHEREAS, pursuant to Title 18 of the San Jose Municipal Code, public notice was given that on March 15, 2022 at 6:00 p.m. the Council would hold a public hearing where interested persons could appear, be heard, and present their views with respect to the proposed General Plan Amendments including the Village Plan adoption (Exhibits “A” and “B”); and

WHEREAS, prior to making its determination on the General Plan Amendments, the Council reviewed and considered the Determination of Consistency with the Envision San José 2040 General Plan Environmental Impact Report (certified by Resolution No. 76041) and the Supplemental Environmental Impact Report to the Envision San José 2040 General Plan EIR (certified by Resolution No. 77617), and Addenda thereto; and

WHEREAS, pursuant to California Senate Bill (SB) 330, a city is prohibited from enacting a development policy, standard, or condition, as defined, that would have the effect of changing the land use designation or zoning of a parcel or parcels of property to a less intensive residential use or reducing the residential intensity of land use within an existing zoning district below what was allowed under the general plan or specific plan land use designation and zoning ordinances of the county or city as in effect on January 1, 2018; and

WHEREAS, California Government Code Section 66300(b)(1) allows a city to change a land use designation or zoning ordinance to a less intensive residential use if the city concurrently changes the development standards, policies, and conditions applicable to other parcels within the jurisdiction to ensure that there is no net loss in residential capacity; and

WHEREAS, the City is amending the General Plan land use designation of properties within the North 1st Street Local Transit Village boundary, in which the proposed project provides 2,718 housing units and therefore, there is no net loss in residential capacity with the change in land use designation set forth herein; and

WHEREAS, the Council is the decision-making body for the proposed General Plan Amendments;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE
AS FOLLOWS:

SECTION 1. The Council's determinations regarding General Plan Amendment GP21-016 and the North 1st Street Local Transit Village Plan are specified and set forth in Exhibits "A" and "B" respectively, attached hereto and incorporated herein by reference.

SECTION 2. The Director of Planning, Building, and Code Enforcement is delegated the authority to administratively update and/or revise the North 1st Street Village Plan provided the update and/or revisions are limited to making minor clarifications, corrections, or technical changes to the text and diagrams. All administrative updates and revisions shall be immediately published on the Department of Planning, Building, and Code Enforcement webpage.

SECTION 3. This Resolution shall take effect thirty (30) days following the adoption of this Resolution.

ADOPTED this _____ day of _____, 20____, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

DRAFT

STATE OF CALIFORNIA

COUNTY OF SANTA CLARA

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) ss
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I hereby certify that the amendments to the San Jose General Plan specified in the attached Exhibit A and the North 1st Street Local Transit Village Plan attached hereto as Exhibit B were adopted by the City Council of the City of San Jose on _____, as stated in its Resolution No. _____.

Dated: _____

TONI J. TABER, CMC
City Clerk

DRAFT

EXHIBIT “A”

ENVISION SAN JOSE 2040 GENERAL PLAN AMENDMENTS

GP21-016. The Envision San Jose 2040 General Plan is hereby amended to modify the North 1st Street Local Transit Village boundary and change the land use designations on the Land Use/Transportation Diagram on specified properties within the boundaries of the Village Plan area as shown on the North 1st Street Local Transit Village land use map attached hereto and incorporated herein by reference.

Council District 3.

CEQA: Determination of Consistency with the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

EXHIBIT “B”

North 1st Street Local Transit Village Plan

GP21-016. The North 1st Street Local Transit Village Plan, attached hereto and incorporated herein by reference, is hereby adopted.

Council District 3.

CEQA: Determination of Consistency with the Final Program EIR for the Envision San José 2040 General Plan (Resolution No. 76041) and the Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto.

See plan here: